

Before the Board of Zoning Adjustment, D. C.

Application No. 12294, of Pearl Steinman, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from Sub-section 7202.1, or in the alternative, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception from Sub-section 7205.3, to locate the parking off the lot in the C-2-A District at the premises 515 - 8th Street, S. E., Square 903, lot 817.

HEARING DATE: March 22, 1977

DECISION DATE: April 6, 1977

FINDINGS OF FACT:

1. The subject property is located on the west side of 8th Street between "E" and "G" Streets, S. E. The property is occupied by a one-story brick commercial structure which is currently being used as a restaurant, a use permitted as a matter-of-right in a C-2 District.

2. A Certificate of Occupancy, No. B-94301, was issued on August 25, 1976, for a restaurant with a capacity of less than 75 persons. The Zoning Administrator has indicated that the Certificate was issued in error, and should not have been issued until the parking requirement was satisfied.

3. The last previous use of the property was for offices for the United Planning Organization. Due to the intensification of use from office to retail in an existing building, the Zoning Administrator has determined that two parking spaces are required. The applicant requests a variance to provide no parking.

4. The existing building occupies the entire lot and has done so ever since it was constructed.

5. The restaurant is a neighborhood facility, which attracts a walk-in trade.

6. Advisory Neighborhood Commission 6B and the Capitol Hill Restoration Society opposed the application on the grounds, that the area has a serious parking and traffic problem caused by insufficient parking in the area.

CONCLUSIONS OF LAW AND OPINION


The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board considers that such difficulty exists by virtue of the building occupying 100 per cent

of the lot. The Board further concludes that the use will not have an adverse effect on neighboring properties because its customers tend to come from the neighborhood and will not need parking spaces. It is therefore ordered that the variance be GRANTED.

VOTE: 4-0 (Ruby B. McZier, Esq., Lilla Burt Cummings, Esq., William F. McIntosh, and Leonard L. McCants, Esq. to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:


ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER: 5-25-77

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.